

Docket: 71626US02

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

SHELTON, Michael C.

Serial No.: 10/796,176

Group Art Unit: 1796

Filed: March 9, 2004

Examiner: HAIDER, Saira B.

For: LOW MOLECULAR WEIGHT CELLULOSE MIXED ESTERS AND THEIR
USE AS LOW VISCOSITY BINDERS AND MODIFIERS IN COATING
COMPOSITIONS

Mail Stop Amendment
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

DECLARATION UNDER 37 C.F.R. 1.132

I, Charles M. Buchanan, am an inventor of U.S. Patent No. 5,292,783 ("the '783 patent"), which has been cited against the above-referenced application. I graduated from The University of Texas at Austin with a PhD degree in organic chemistry. I have been employed by Eastman Chemical Company for the last 23 years. My current position at Eastman is senior research associate, where I am responsible for cellulose ester research.

The '783 patent states that cellulose esters useful in the invention can have an inherent viscosity ("IV") ranging from "about 0.2 to about 3.0 deciliters/gram" ('783 patent, col. 8, l. 23). In the Office Action, the Examiner takes the position that it would be obvious to lower the IV of the cellulose ester discussed in the '783 patent to the claimed range of from 0.05 to 0.12 dL/g. However, lowering the IV of the cellulose ester in the '783 patent to below 0.2 dL/g would render the invention of the '783 patent unfit for its intended purpose. This is because a cellulose ester having an IV below 0.2 dL/g would not have a sufficiently high molecular weight to impart required physical properties to the compositional blends of the '783 patent. For example, the compositional blends of the '783 patent require a certain tensile strength, flexural

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modulus, and elongation. If a cellulose ester having an IV below 0.2 dL/g were employed in the invention of the '783 patent, the resulting blends would not possess the required minimum levels of these physical properties, rendering them unsuitable for their intended use. Accordingly, one of skill in the art would not be motivated nor have a reasonable expectation of success in lowering the IV of the cellulose ester disclosed by the '783 patent to below 0.2 dL/g.

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under § 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of any patent issuing from the present application.

Date: Jan 27, 2009

Charles M. Buchanan

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